

REMARKS

Claims 1-11 and 19-28 are pending in this application.

Claims 1 and 22 have been amended and claims 19-20 and 23-24 have been canceled without prejudice by the present Amendment. Amended claims 1 and 22 do not introduce any new subject matter.

REJECTIONS UNDER 35 U.S.C. § 102

Reconsideration is respectfully requested of the rejection of claims 1, 3-11 and 21 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application Publication No. 0754553 ("EP '553").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131.

Applicants respectfully submit that EP '553 does not disclose or suggest a plurality of head units being shifted a horizontal distance from each previous head unit, wherein spraying nozzles formed on each head unit have a pitch between neighboring spraying nozzles that is substantially identical to a multiple of the shift distance, as recited in amended claim 1.

Therefore, Applicants respectfully submit that claim 1 is not anticipated by EP '553. In addition, for at least the reason that claims 3-11 and 21 depend from claim 1, claims 3-11 and 21 are also not anticipated by the cited reference.

Since EP '553 does not disclose or suggest the limitations recited in independent claim 1, Applicants respectfully submit that independent claim 1 is not anticipated by EP '553. Claims 3-11 and 21 depend from claim 1 which, for the reasons stated hereinabove, is submitted not to be anticipated by the cited reference. For at least those very same reasons, claims 3-11 and 21 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3-11 and 21 under 35 U.S.C. § 102(b) and that claims 1, 3-11 and 21 are in condition for allowance.

Reconsideration is respectfully requested of the rejection of claims 1, 3-9 and 21 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,660,332 ("Kawase '332").

Applicants respectfully submit that Kawase '332 does not disclose or suggest a multiple of a shift distance between head units being substantially identical to the pitch between neighboring spraying nozzles, as recited in amended claim 1. Therefore, Applicants respectfully submit that claim 1 is not anticipated by Kawase '332.

Since Kawase '332 does not disclose or suggest the limitations recited in independent claim 1, Applicants respectfully submit that independent claim 1 is not anticipated by Kawase '332. Claims 3-9 and 21 depend from claim 1 which, for the reasons stated hereinabove, is submitted not to be anticipated by the cited reference. For at least those very same reasons, claims 3-9 and 21 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3-9 and 21 under 35 U.S.C. § 102(b) and that claims 1, 3-9 and 21 are in condition for allowance.

Reconsideration is respectfully requested of the rejection of claims 1-9, 21-22 and 25-28 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Publication No. US2003/0186613 ("Kawase '613"), claims 19, 20, 23 and 24 having been canceled.

Applicants respectfully submit that Kawase '613 does not disclose or suggest (1) a plurality of head units being shifted a horizontal distance from each previous head unit, wherein spraying nozzles formed on each head unit have a pitch between neighboring spraying nozzles that is substantially identical to a multiple of the shift distance, as recited in amended claim 1; and (2) n head units shifted by a predetermined distance from each previous head unit, wherein spraying nozzles formed on each head unit have a pitch between neighboring spraying nozzles that is substantially identical to n times the predetermined distance, as recited in amended claim 22.

Therefore, Applicants respectfully submit that claim 1, claims 2-9 and 19-21 dependent thereon, and claim 22 and claims 25-28 dependent thereon are not anticipated by Kawase '613.

The Examiner maintains that "[i]n Kawase the sum of the shifting distances (P21-P26) from the first row to nth (third) row is capable of being identical to the pitch." April 27, 2005 Office Action at 6, lines 11-12. Applicants respectfully submit that the Examiner is relying on impermissible hindsight gleaned from the Applicants'

disclosure, when making this determination. Indeed, in Kawase '613, the sum of the shifting distances from the first row to the nth row is much greater than the pitch.

See, e.g., Fig. 9 of Kawase '613. Accordingly, there is no basis for the Examiner's assertion.

There is simply no teaching or motivation in Kawase '613 for a pitch between spraying nozzles that is substantially equal to a sum of the shifting distances. Indeed, Kawase '613 teaches the opposite configuration, *i.e.*, a pitch that is substantially less than a single shifting distance, let alone a sum of multiple shifting distances.

Claims 1 and 22 both require a pitch that is a multiple of a shift distance. For example, claim 1 requires that the pitch be substantially identical to a multiple of the shift distance, wherein the shift distance is increased by a multiplier. Similarly, claim 22 requires that the pitch be substantially identical to the shift distance multiplied by n , where n represents the number of rows of head units. These configurations are neither taught nor suggested by Kawase '613, which, instead, teaches the opposite configuration, a pitch that is smaller than the shift distance (*i.e.*, the result of a division, not a multiplication, operation). Accordingly, Kawase '613 does not disclose or suggest the embodiments of claims 1 and 22.

Since Kawase '613 does not disclose or suggest the limitations recited in independent claims 1 and 22, Applicants respectfully submit that independent claims 1 and 22 are not anticipated by Kawase '613. Claims 2-9 and 19-21 depend from claim 1 and claims 25-28 depend from claim 22 which, for the reasons stated hereinabove, are submitted not to be anticipated by the cited reference. For at least those very same

reasons, claims 2-9, 19-21 and 25-28 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-9, 21-22 and 25-28 under 35 U.S.C. § 102(a) and that claims 1-9, 21-22 and 25-28 are in condition for allowance, claims 19, 20, 23 and 24 having been canceled.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Reconsideration is respectfully requested of the rejection of claims 10-11 under 35 U.S.C. § 103(a) as being unpatentable over (1) Kawase '332 as applied to claim 9 and further in view of EP '553; and (2) Kawase '613 as applied to claim 9 and further in view of EP '553.

Applicants respectfully submit that the amendment to independent claim 1 renders claim 1 and claims 10-11 dependent thereon patentable over the cited references.

Applicants respectfully submit that Kawase '332 and Kawase '613, when taken alone or in combination with EP '553, fail to teach or suggest a plurality of head units being shifted a horizontal distance from each previous head unit, wherein spraying nozzles formed on each head unit have a pitch between neighboring spraying nozzles that is substantially identical to a multiple of the shift distance, as recited in amended claim 1.

As stated above, neither Kawase '332 nor Kawase '613 teach this feature. Further, the addition of EP '553 does not render the claimed embodiment obvious.

Therefore, it is respectfully submitted that the cited references, when taken alone

or in combination, do not disclose or suggest the recited features of claim 1. Accordingly, it would not have been obvious to modify Kawase '332 or Kawase '613 as applied to claim 9 and further in view of EP '553 to develop the embodiment recited in claim 1.

As such, Applicants respectfully submit that amended claim 1 is patentable over Kawase '332 or Kawase '613 as applied to claim 9 and further in view of EP '553.

For at least the reason that claims 10-11 depend from claim 1, claims 10-11 are also submitted to be patentably distinct over the cited references.

Therefore, Applicants respectfully request that the Examiner withdraw the rejections of claims 10-11 under 35 U.S.C. § 103(a) and that claims 10-11 are in condition for allowance.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael F. Morano", is written over a horizontal line.

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